

December 16, 2014
FOR IMMEDIATE RELEASE

Summary of December 4-5, 2014, Board Meeting

The following is a summary of the December 4-5, 2014, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 157 cases.

New Investigative Cases: The Board reviewed 64 new investigative cases.

Combined Statement of Charges and Settlement Agreements: If the Board determines that probable cause exists for formal disciplinary action against a licensee, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. The combined Statement of Charges and Settlement Agreements contain the allegations and the disciplinary sanctions.

The Board approved 1 Combined Statement of Charges and Settlement Agreement.

1. An Iowa-licensed physician who formerly practiced nuclear medicine in Iowa City, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on December 5, 2014. The Board charged the physician with engaging in a in a pattern of disruptive behavior and/or unprofessional conduct in Iowa City, Iowa, between 2010 and 2012. The Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty. The physician agreed to continue treatment with a professional who has an understanding of the treatment of his chronic health condition and his previous behavior. The Board also ordered the physician to complete a Board-approved professional ethics program prior to seeking reinstatement of his Iowa medical license. The Board also placed the physician on probation for a period of five years subject to Board monitoring.

Consent Agreements: If the Board determines that probable cause exists for formal disciplinary action upon review of an initial license application or reinstatement of an existing license, the Board and the applicant may enter into a Consent Agreement to resolve the matter. The Consent Agreement contains the allegations and the sanctions.

The Board approved 3 Consent Agreements.

1. A physician who practices emergency medicine in Ormond Beach and Daytona Beach, Florida, and intends to practice in Sioux City, Iowa, was granted a permanent Iowa medical license subject to a Consent Agreement on December 8, 2014. On August 16, 2004, the physician was disciplined by the Florida Board of Medicine (Florida Board) for failing to provide appropriate medical care to a patient who presented to the emergency department with chest pain in Lake Wells, Florida, in August 2000. The Florida Board issued the physician a Letter of Concern and ordered him to complete additional continuing medical education and pay a \$5,000 fine plus costs. Under the terms of the December 8, 2014, Consent Agreement, the Iowa Board granted the physician a permanent Iowa medical license and issued him a Citation and Warning for being disciplined by the Florida Board.
2. A physician who currently practices ophthalmology in Bowling, Kentucky, and intends to practice in West Des Moines, Iowa, was granted a permanent Iowa medical license subject to a Consent Agreement on December 9, 2014. On February 2, 2005, the physician was disciplined by the Kentucky Board of Medical Licensure (Kentucky Board) for prescribing controlled substances to his wife and continuing to do so even after he received a Letter of Concern from the Kentucky Board. The Kentucky Board restricted the physician's prescribing practices and ordered him to complete a prescribing course. The prescribing restriction was terminated on April 13, 2006. The physician was subsequently disciplined in Tennessee and denied a medical license in Illinois based on the Kentucky disciplinary action. Under the terms of the December 9, 2014, Consent Agreement, the Iowa Board granted the physician a permanent Iowa medical license and issued him a Citation and Warning for being disciplined by the Kentucky Board.
3. An Iowa-licensed physician who formerly practiced surgery in Los Alamos, New Mexico, was granted reinstatement of his permanent Iowa medical license subject to a Consent Agreement on December 8, 2014. On October 3, 2013, the physician was disciplined by the New Mexico Medical Board (New Mexico Board) for failing to report an adverse action taken by a health care entity in violation of the New Mexico medical practice act. The New Mexico Board issued the physician a public reprimand. Under the terms of the December 8, 2014, Consent Agreement, the Iowa Board reinstated the physician's permanent Iowa medical license and issued him a Citation and Warning for being disciplined by the New Mexico Board.

Amended Orders: If the Board amends the terms of an existing disciplinary order, the Board may issue an Amended Order.

The Board approved 1 Amended Order.

1. An Iowa-licensed physician who currently practices obstetrics and gynecology in Waterloo, Iowa, had an Amended Order issued by the Board on December 5, 2014. On February 9, 2012, the Board charged the physician with failing to provide appropriate treatment to multiple patients in Waverly, Iowa, between 2007 and 2009. On October 5, 2012, the physician entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. The Board issued the physician a Citation and Warning and ordered her to pay a \$2,500 civil penalty. The Board placed the physician on

probation for a period of five years subject to certain terms and conditions including a Board-approved practice monitoring program. On December 5, 2014, the Board concluded that the physician has fully complied with the terms placed on her Iowa medical license and issued an Amended Order terminating the Board-approved practice monitoring program. The physician must fully comply with the remaining terms established in the October 5, 2012, Settlement Agreement.

Termination Orders: If the Board terminates the terms of probation or other significant provisions of an existing disciplinary order, the Board may issue a Termination Order.

The Board approved 6 Termination Orders.

1. An Iowa-licensed physician who practices family medicine in Waverly, Iowa, completed the terms of his probation on October 21, 2014. On March 18, 1992, the Board placed the physician on probation for a period of five years for substance abuse. On March 15, 1996, the Board terminated the terms of probation. On February 11, 2008, the Board again placed the physician on probation for a period of five years for substance abuse. On February 11, 2013, the Board terminated the terms of probation. On October 21, 2009, the Board placed the physician on probation for a period of five years for failing to provide appropriate care to multiple patients. The physician also agreed not to practice obstetrics in the future and completed a supervised educational program. On October 21, 2014, the physician completed the terms of probation, the Board issued a Termination Order, and his Iowa medical license was returned to its full privileges, free and clear, of all restrictions.
2. An Iowa-licensed physician who formerly practiced obstetrics and gynecology in Des Moines, Iowa, had the terms of his probation terminated by the Board on December 5, 2014. On April 8, 2005, the Board charged the physician with engaging in a pattern of unprofessional conduct and disruptive behavior. The Board issued the physician a Citation and Warning and referred him to the Iowa Physician Health Program for monitoring. On February 4, 2010, the Board charged the physician with engaging in a pattern of unprofessional conduct and alcohol abuse. On July 8, 2010, the Board placed the physician on probation for a period of five years subject to counseling and Board monitoring. On December 5, 2014, the Board issued a Termination Order and the physician's Iowa medical license was returned to its full privileges, free and clear, of all restrictions.
3. An Iowa-licensed physician who formerly practiced family medicine in Moline and Rock Island, Illinois, had the terms of his probation terminated by the Board on December 5, 2014. On February 9, 2012, the Board charged the physician with engaging in sexual relations with a female patient in Moline, Illinois, in October 2008, and for being disciplined by the Illinois Division of Professional Regulation on April 20, 2011. On August 10, 2012, the Board concluded that the physician engaged in sexual misconduct with a female patient and was subsequently disciplined in Illinois. The Board placed the physician on probation and ordered him to pay a \$10,000 civil penalty. The Board also ordered him to have a female chaperone present at all times when treating female patients, to complete a Board-approved professional boundaries program and to practice in a Board-approved practice setting. On December 5, 2014, the Board terminated the terms of the physician's probation but he must continue to have a female chaperone present at all times when treating female patients.

4. An Iowa-licensed physician who currently practices psychiatry in Rock Valley and Le Mars, Iowa, completed the terms of his probation on November 18, 2014. On August 18, 2011, the Board charged the physician with engaging in unethical and/or unprofessional conduct and violating appropriate professional boundaries in Spencer, Iowa, in 2010. On November 18, 2011, the Board placed the physician on probation for a period of three years subject to Board monitoring. On November 18, 2014, the physician completed the term of his probation, the Board issued a Termination Order, and the physician's Iowa medical license was returned to its full privileges, free and clear, of all restrictions.
5. An Iowa-licensed physician who currently practices internal medicine in Indianapolis, Indiana, had the terms placed on his Iowa medical license terminated by the Board on December 5, 2014. On June 20, 2012, the physician was disciplined by the Wisconsin Medical Examining Board (Wisconsin Board) for failing to provide appropriate pain management to three patients between 2006 and 2011 and failing to adequately safeguard prescription pads resulting in theft. The Wisconsin Board restricted the physician's opiate prescribing and required him to practice under the oversight of a professional mentor. On June 28, 2013, the Iowa Board disciplined the physician based on the Wisconsin disciplinary action. The Iowa Board issued the physician a Citation and Warning and ordered him to comply with the terms established by the Wisconsin Board. The Iowa Board also restricted the physician's ability to prescribe controlled substance and ordered him to complete a Board-approved prescribing course. On June 23, 2014, the Wisconsin Board concluded that the physician completed the terms his order and returned his Wisconsin medical license to full, unrestricted status. On December 5, 2014, the Iowa Board terminated the terms placed the physician's Iowa medical license and returned it to its full privileges, free and clear, of all restrictions.
6. An Iowa-licensed physician who currently practices neurology in Des Moines, Iowa, had the terms established in a disciplinary order terminated by the Board on December 5, 2014. On May 4, 2006, the physician entered into a combined Statement of Charges, Settlement Agreement and Final Order with the Board. The Board charged the physician with engaging in inappropriate sexual relations with three patients, inappropriate prescribing and documenting patient examinations that he did not perform. The Board suspended the physician's Iowa medical license, issued him a Citation and Warning and ordered to him pay a \$10,000 civil penalty. On February 12, 2007, the Board reinstated the physician's Iowa medical license and placed him on probation for a period of five years subject to Board monitoring. He was ordered to have a Board-approved female chaperone continually present when treating female patients. He was also prohibited from prescribing or administering schedule II controlled substances and he was prohibited from prescribing or administering controlled substances for the treatment of patients with chronic, nonmalignant or intractable pain and headache treatment. On February 12, 2012, the physician completed the terms of his probation and the Board terminated the terms of probation. However, the physician was required to have a female chaperone present when treating female patients and he was prohibited from prescribing or administering schedule II controlled substances and prescribing or administering controlled substances for the treatment of patients with chronic, nonmalignant or intractable pain and headache treatment. On December 5, 2014, the Board voted to terminate the chaperone requirement and the restrictions on his ability to prescribe or administer controlled substances and his Iowa medical license was returned to its full privileges, free and clear, of all restrictions.

Unauthorized Practice of Medicine: If the Board determines that an individual has engaged in the unauthorized practice of medicine in violation of Iowa law the Board may issue a Cease and Desist Letter directing the individual to stop practicing medicine.

The Board approved 1 Cease and Desist Letter.

1. A resident of Waterloo, Iowa, was issued a Cease and Desist Letter dated December 8, 2014. The Board received information which indicates that the individual has engaged in the unauthorized practice of medicine in violation of Iowa law. The information reviewed by the Board indicates that the individual has performed electroencephalograms (EEGs) and quantitative electroencephalograms (QEEGs) and provided neurofeedback treatment to patients with attention deficit disorder (ADD), attention deficit hyperactivity disorder (ADHD), learning disorders, sleep disorders, migraines and other health and mental health conditions. The Board noted that the individual has not graduated from an accredited medical school and does not hold an active Iowa medical license. The Board ordered the individual to Cease and Desist from engaging in the practice of medicine in the future. If the Board receives information which indicates that the individual has engaged in the practice of medicine after the date she receives the Cease and Desist Letter, the Board will refer the matter to the Iowa Attorney General's Office to initiate a civil injunction action and to the Black Hawk County Attorney's Office for criminal prosecution.

Confidential Letters of Warning or Education: When the Board determines that probable cause does not exist to take formal disciplinary action the Board may send a confidential, non-disciplinary, letter to the licensee expressing concerns and requesting that the licensee take corrective action, including further medical education.

The Board voted to issue 17 confidential Letters of Warning or Education for the following areas of concern:

1. Concerns about a physician's oncology practice and that the physician engaged in a pattern of unprofessional conduct.
2. Concerns that a patient did not receive abnormal test results in a timely manner.
3. Concerns that a physician failed to maintain adequate medical records for a patient.
4. Concerns that a physician failed to perform a thorough neurological exam on a patient.
5. Concerns that a physician failed to perform an adequate examination including ordering x-rays for a patient.
6. Concerns that a patient did not obtain an MRI in a timely manner.
7. Concerns that a physician performed surgery on a two-year-old patient without appropriate training and experience.
8. Concerns that a physician failed to appropriately communicate his retirement with staff and patients.
9. Concerns that a physician amended his medical records long after the care was provided without making it clear that the change was an addendum
10. Concerns that a physician failed to perform a thorough neurological exam on a patient.
11. Concerns that a physician failed to diagnose a hematoma and failed to document a patient visit.
12. Concerns that a physician failed to perform a thorough neurological exam and failed to order an MRI in a timely manner.
13. Concerns that a physician failed to maintain adequate medical records for a patient.
14. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for inappropriately leaving the operating room while a patient was under sedation.

15. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for improper medical care and sexual misconduct.
16. Concerns that a physician with an inactive Iowa medical license surrendered a medical license while under investigation for concerns about his medical care.
17. Concerns that a physician with an inactive Iowa medical license was reprimanded by another state licensing Board for allowing unlicensed staff to perform medical services.

Monitoring Committee: The Monitoring Committee monitors licensees are subject to disciplinary orders and require monitoring.

The Monitoring Committee reviewed 10 physicians who are being monitored by the Board and held 5 physician appearances.

Screening Committee: The Screening Committee reviews cases that are lower priority to determine whether investigation is warranted.

The Screening Committee reviewed 43 cases.

Licensure Committee: The Licensure Committee reviews initial license applications, renewals and reinstatements and other licensure policies and issues. Most license applications are approved by Board staff without Licensure Committee review. However, some applications raise concerns about an applicant and the Licensure Committee must review the matter to determine whether a license should be granted, renewed or reinstated.

The Committee reviewed 10 licensure applications. Two permanent licenses were granted, one permanent license was granted by way of consent agreement, and one permanent license was reinstated by way of consent agreement. One permanent application was left open to obtain further information and one application was left open pending receipt of a signed consent agreement. The Committee recommended one individual withdraw an application for permanent licensure.

The Committee denied two requests for waiver of IA Administrative Code 653-9.3(1)c which requires international medical school graduates to have 24 months of continuous, progressive, accredited training. The Committee granted a request for waiver of IA Administrative Code 653-9.7(1)e(1) which requires applicants to pass the USMLE exam sequence within a 10-year time limit.

The Committee approved 17 Letters of Warning that were issued due to concerns that the applicants failed to provide truthful, accurate or complete information on the applications.

The Committee discussed changes to three licensure application questions. Two changes will provide clarification to applicants on initial licensure questions. There will also be an update to the renewal application which will clarify that out-of-state physicians who provide services to Iowa patients are not eligible for the continuing medical education (CME) exemption.

In other action the Board:

- Adopted ARC 1632C, a new chapter 18, 653 Iowa Administrative Code, to recognize military training and experience in lieu of certain requirements for the licensure of physicians and acupuncturists. In addition, the Board recommended that the provisions of this chapter should be expanded to include the spouses of military veterans.

- Discontinued the rulemaking process to establish a new subrule that would have required physicians to discuss with their patients the effects of the patients' medical conditions and prescribed medications on the patients' ability to safely operate a vehicle in any mode of transportation. The Board voted against adopting the noticed rule, ARC 1708C, after considering comments received about the proposed regulation. The agency will issue a press release to help raise awareness among physicians about the importance of counseling patients about potential impairments caused by medical conditions and medications taken to treat those conditions.
- Expressed concern about a proposal to amend 645 Iowa Administrative Code Chapter 327.4(2) to eliminate specific supervisory requirements for physicians who supervise physician assistants who work in remote clinics. The amendment, ARC 1741C, is proposed by the Iowa Board of Physician Assistants. The Board of Medicine believes that a minimum level of supervision should be spelled out in the administrative subrule.
- Set a public hearing for 1:30 p.m. Wednesday, January 15, 2015, for the noticed rule, ARC 1769C, which establishes standards for physicians who use telemedicine in their practices. The hearing will be held in the Wallace State Office Building auditorium.
- Voted to seek legislation to amend Iowa Code Chapter 148E, which defines licensure and regulation of acupuncturists in Iowa. The proposed legislation would update language throughout the chapter and add more definitions on acupuncture and oriental medicine.
- Denied a request for waiver of 653 Iowa Administrative Code Chapter 13.4, *supervision of pharmacists engaged in collaborative drug therapy management*. The Board was advised that any/all rules in 653 IAC Chapter 13 cannot be lawfully waived.
- Denied a request for waiver of 653 Iowa Administrative Code Chapter 9.3(1) "e", *eligibility for permanent licensure*. The Board determined that waiver of a license requirement was not appropriate at this time.
- Appointed Jeanine Freeman, Des Moines, and reappointed Lynn Martin, Clive, and Julie Scheib, Spirit Lake, to the Iowa Physician Health Committee, effective January 1, 2015.
- Received a notice that a physician was not in compliance with his initial agreement with the Iowa Physician Health Committee. The Board accepted the Committee's recommendation that the physician be allowed to remain the Iowa Physician Health Program, which monitors physicians with mental health issues, physical disabilities or substance use disorders. On November 30, there were 86 participants in the program; 39 new participants since January 1, 2014, and 35 discharges during the same period.
- Received reports from the Iowa Attorney General's Office on four disciplinary cases and one rulemaking case under judicial review.

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on December 10, 2014. If you have questions about this summary or the Board's press release, please contact Kent M. Nebel, Legal Director, at (515) 281-7088 or kent.nebel@iowa.gov.